
Instructions

Divorce - With Minor Children

Marital Settlement Agreement by Joint Petitioners

The **Marital Settlement Agreement** is used to tell the court what decisions that parties have agreed to with regards to their divorce. Even if you and your spouse do not agree on all the issues identified in the **Marital Settlement Agreement**, complete as many as possible and leave the others blank. This agreement will become part of your final divorce papers, so consider each issue carefully.

Caption

In the caption of the **Marital Settlement Agreement**, print your and your spouse's full names (first name, middle initial and last name) as they appear on the **Petition**. Below each name print the correct Social Security Number for each party.

The status of the State's interest may have changed since you last filed forms with the court, so you must again call the Child Support Division at (262) 548-7420 to determine if the State of Wisconsin is a party to this case. Mark only one box with an **X** to report whether the State is a party.

Print the **case number** assigned to this action and mark with an **X** if this action is a **Divorce** or **Legal Separation**.

Document

Section I: Preliminary Statements

Paragraph 1: Print the number of **minor** children you and your spouse have on the first blank. Print the number of **adult** children you and your spouse have on the second blank. If none, print the number **0**.

Paragraph 2: Print the names, dates of birth, and social security numbers of all children born to, or adopted by you and your spouse during your marriage or your relationship, including any child or children who were born to the wife during the marriage that may not be the husband's children. Mark an **X** in the box next to the name of the child if the husband is not believed to be the biological father of that child. You may attach a page to report additional children.

If you and your spouse do not have any children, you must STOP completing this set of forms and complete the forms labeled Divorce-NO Minor Children.

Paragraph 3: To proceed with divorce in Wisconsin, there must be an allegation that the marriage is irretrievably broken. For a legal separation, an allegation must be made that the marriage is broken. Mark an **X** in the appropriate box. If you are filing for a legal separation, you must also give the reasons why you believe the marriage is broken on the lines that follow.

Paragraphs 4-7: Read paragraphs 6-9 to make sure the statements are accurate. If they are not, make a note to discuss them in court at the Pre-Trial Conference.

Section II: Marital Settlement Agreement

The following paragraphs outline for the court what agreements you and your spouse have made with regards to your children, maintenance, and/or property. Leave blank those items you have not yet come to an agreement about.

Paragraphs 1A-C: List the names of the children for which you and/or your spouse will have joint legal custody or sole legal custody of. Do not list any child more than once.

Paragraph 2A: List the names of the children for which you and your spouse will equally share physical placement.

Paragraph 2B: List the names of the children for which the WIFE will have primary physical placement and mark an **X** in the box to indicate which schedule the HUSBAND will use for placement. Write in as detailed a schedule as possible.

Paragraph 2C: List the names of the children for which the HUSBAND will have primary physical placement and mark an **X** in the box to indicate which schedule the WIFE will use for placement. Write in as detailed a schedule as possible.

Paragraphs 3-4: Carefully read these two paragraphs. They are not statements either party may disagree on because they are a matter of law.

Paragraphs 5A-C: You must choose either A, B, or C, by marking an **X** in the appropriate box. If both parties have agreed to pay child support, mark both B and C. If you have agreed that no party should pay child support, you must give the reasons for this decision in great detail. The court may need this information to determine if the agreement is fair, or it may need it in the future to make adjustments. If at least one party has agreed to pay child support, mark an **X** in the correct box and indicate when the child support payments should begin, the amount per month that should be paid, and the method used to calculate that amount. You must also indicate the payer's employer contact information.

Paragraphs 6A-D: Read each statement carefully and mark with an **X** which parent will provide the items described.

Paragraph 6E: Read, and be sure to inform the court of any changes in health care availability.

Paragraphs 6F: Mark with an **X** which parent will pay for the children's uninsured medical expenses. Terms of how this will be paid are described within the remainder of the paragraph.

Paragraphs 7A-B: Read, and make note of the terms of the agreement.

Paragraphs 8A-D: You may choose only one of the options A-D. For option C, list the names of the children each party will claim as exemptions. For option D, indicate even or odd numbered years for each party.

Paragraph 8E: Indicate if the parties ordered to pay child support may or may not claim dependents indicated above if they fail to pay child support.

Paragraph 8F: To completely carry out the agreement made, both parties must agree to cooperate with F.

Paragraphs 9A-D: Choose, by marking with an **X**, one of the options A-D. Both spouses may, however, agree to maintenance to each other. If this is the case, mark both C and D. If at least one party will be paying maintenance, you must also choose either option 1, 2, or 3 under C or D to indicate the terms of the payments. For option 1, give the circumstances under which the party could request maintenance in the future. For option 2, give the amount that should be paid each month and the starting and ending dates for such payments. Note that all maintenance payments must be claimed as income by the party receiving the payments, and are deductible for the party paying them.

Paragraph 10A: Read carefully. If a party does not disclose all debts or other obligations in this document, the other party will not be held responsible by this document to pay for those debts or obligations not included.

Paragraphs 10B-D: If there are no marital debts or obligations, mark an **X** in B. If there are marital debts and obligations and you have agreed which party will be responsible for payment, mark an **X** for C and/or D and indicate the creditor's name and the amount to be paid. Remember, the agreement that is made in this document does not mean anything to those who gave you credit while you were married.

Paragraphs 11A-B: For each party, indicate with an **X** each type of property the party will retain possession of and give the description requested for each item. If there is not enough space for any of the items, attach an additional sheet.

Paragraphs 12A-C: Mark with an **X** whether you do not own real estate (A) or whether you do own any real estate (B). If you do own real estate, you must list your primary address, attach a copy of the full legal description of the property, **and** mark only one with an **X** for options 1-4. For options 3 and 4 you must also give the date the house must be sold by and describe the method by which you are going to divide the equity.

If you own any property in addition to your primary residence, you must list the address, attach the legal description, and state your agreement as to how to divide it. Attach an additional sheet if more space is needed.

Paragraphs 13A-B: The IRS governs how individuals have to file their tax returns for the year of the divorce. Contact an accountant familiar with Federal and State tax regulations. If you have not yet filed income taxes for the year before the divorce, or any other year, complete either B1 or B2.

Paragraphs 14A-C: Mark an **X** in A if neither party owes the other past due maintenance payments. If one or both owes the other past due maintenance mark an **X** in B, or C, list the amount owed, the interest rate due, and whether it will be paid as option 1 or 2. If option 2 is chosen, list the amount to be paid each month and the party's employer contact information.

Paragraphs 15A-C: Mark an **X** in A if neither party owes the other past due child support payments. If one or both owes the other past due child support mark an **X** in B, or C, list the amount owed, the interest rate due, and whether it will be paid as option 1 or 2. If option 2 is chosen, list the amount to be paid each month and the party's employer's contact information.

Paragraphs 16-17A-B: Read carefully

Paragraph 18: If either party took a new name at the time of the marriage, and would like to continue to use that name, mark the appropriate **X** in A. If either would like to return to using a former name, mark B or C and list the name(s) each would like to use.

Paragraphs 19-25: Read carefully.

Paragraph 26: Use the space provided to list any agreements you and your spouse came to that have not been described in paragraphs 1-25. If there are no additions, write none. If additional space is needed, attach a sheet of paper and continue

Signatures

A representative from the Waukesha County Child Support Division must either sign the Marital Settlement Agreement or must indicate they are not involved and initial in the space provided. If the State is aware that it is a party to the case, a representative from the Child Support Division will be present at the Pre-Trial Conference, and you can get his/her signature at that time. You may need to call the Child Support Division at (262) 548-7420 to again verify the State is not a party. If it is not a party, you will need to arrange to have a representative initial in the space provided.

Both parties must also sign and date the document at the bottom.